

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. CR 10-1534 JB

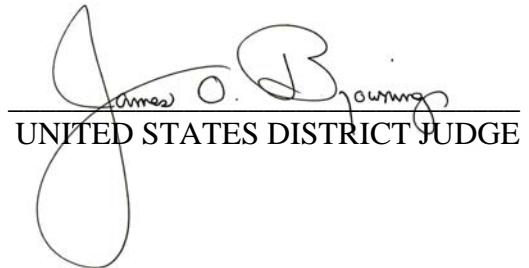
EDWARD CHRISTY,

Defendant.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court on the United States' Motion for Pretrial Ruling Regarding Forfeiture, filed March 3, 2011 (Doc. 63) ("Motion"). The Court held a hearing on April 21–22, 2011. The primary issue is whether the Defendant Edward Christy intends that the Court make a determination on the criminal forfeiture allegation alleged in the indictment as authorized by Federal Rule of Criminal Procedure 32.2(b)(1) or that the jury make this determination after reaching a guilty verdict under Federal Rule of Criminal Procedure 32.2(b)(5). Christy filed no response to this Motion. At the hearing, Christy said that he did not have a preference on whether the Court or the jury makes this criminal forfeiture determination. The United States stated at the hearing that it prefers that the Court make this determination. Accordingly, the Court grants the Motion.

IT IS ORDERED that the United States' Motion for Pretrial Ruling Regarding Forfeiture, filed March 3, 2011 (Doc. 63), is granted. The Court will make any necessary determination on forfeiture.



UNITED STATES DISTRICT JUDGE

Counsel:

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